



File Code: 1570-1 (215)
#08-01-00-0092
Date: March 12, 2008

Angela Helvey
557 Beattie, No. 4
Helena, MT 59601

Dear Ms. Helvey:

I have received your appeal of the Helena National Forest's Supervisor's Decision Notice for Forest Trail No. 124, Grassy Mountain, and Use (South Belts Travel Plan DN).

Regretfully, I must dismiss your appeal, without review, in accordance with 36 CFR 215. The application of 36 CFR 215.13(a) has been enjoined, therefore we consider appeal status under the former 36 CFR 215.11(a), from 1993, which states:

Sec. 215.11 Who may participate in appeals.

(a) Except as provided for in paragraph (c) of this section, an appeal pursuant to this part may be filed by any person who, or any non-Federal organization or entity that has met either of the following criteria:

- (1) Submitted written comment in response to a project draft Environmental Impact Statement; or
- (2) Provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period specified in Sec. 215.6.

36 CFR 215.6 requires comments or an expression of interest be made during the comment period. The record for this project indicates that you neither provided comment, nor any other expression of interest, regarding Forest Trail No. 124, Grassy Mountain, and Use (South Belts Travel Plan DN) during the comment period.

Therefore, pursuant to 36 CFR 215.6 above, I am dismissing your appeal.



This decision is the final administrative determination of the Department of Agriculture and is not subject to higher-level review [36 CFR 215.18(c)].

Sincerely,

/s/ Ray G. Smith (for)
KATHLEEN A. MCALLISTER
Appeal Deciding Officer

cc:
Appeal Reviewing Officer
Responsible Official
Forest Coordinator